

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 34

HOUSE BILL 2142

AN ACT

AMENDING SECTIONS 32-3405, 32-4103 AND 32-4104, ARIZONA REVISED STATUTES; REPEALING SECTION 32-4105, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 41, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 32-4105; AMENDING SECTIONS 32-4121, 32-4122 AND 32-4127, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 41, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-4128; AMENDING SECTIONS 32-4152 AND 32-4160, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF ATHLETIC TRAINING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-3405, Arizona Revised Statutes, is amended to
3 read:
4 32-3405. Occupational therapy fund; deposit of receipts by
5 board
6 A. The occupational therapy fund is established. Pursuant to
7 sections 35-146 and 35-147, civil penalties imposed under section 32-3442,
8 subsection K shall be deposited in the state general fund. The board shall
9 deposit ten per cent of all other monies collected under this chapter in the
10 state general fund and deposit the remaining ninety per cent in the
11 occupational therapy fund. Monies in the occupational therapy fund may be
12 used by the board for payment of all necessary board expenses, including
13 compensation and expenses of board members and board staff on claims
14 approved by the board.
15 B. Monies deposited in the occupational therapy fund are subject to
16 section 35-143.01.
17 ~~C. The board shall establish a separate account in the fund for~~
18 ~~monies transferred to the fund pursuant to section 32-4105.~~
19 Sec. 2. Section 32-4103, Arizona Revised Statutes, is amended to read:
20 32-4103. Board; powers and duties; direction of athletic
21 trainers; continuing education requirements
22 A. The board shall ADMINISTER AND ENFORCE THIS CHAPTER AND SHALL:
23 1. Evaluate the qualifications of applicants for licensure.
24 2. Designate the national examination that it requires applicants to
25 pass.
26 3. Issue licenses to persons who meet the requirements of this
27 chapter.
28 4. Establish requirements pertaining to the ratio between supervising
29 athletic trainers and ~~student athletic trainers~~ ATHLETIC TRAINING STUDENTS.
30 5. Regulate the practice of athletic training by interpreting and
31 enforcing this chapter.
32 6. Establish requirements for assessing the continuing competence of
33 licensees.
34 7. Adopt and revise rules to enforce this chapter.
35 8. Meet at least once each quarter in compliance with the open meeting
36 requirements of title 38, chapter 3, article 3.1 and keep an official record
37 of these meetings.
38 9. At its first regular meeting after the start of each calendar year,
39 elect officers from among its members and as necessary to accomplish board
40 business.
41 10. Provide for the timely orientation and training of new professional
42 and public appointees to the board regarding board licensing and disciplinary
43 procedures, this chapter, board rules and board procedures.

1 11. Maintain a current list of all licensees. This list shall include
2 the licensee's name, current business and residential addresses, telephone
3 numbers and license number.

4 12. Enter into contracts for services necessary to enforce this
5 chapter.

6 13. Publish, at least annually, final disciplinary actions taken
7 against a licensee.

8 14. Publish, at least annually, board rulings, opinions and
9 interpretations of statutes or rules.

10 15. Not later than December 31 of each year, submit a written report of
11 its actions and proceedings to the governor.

12 B. The board shall adopt rules to prescribe the direction of athletic
13 trainers by licensed physicians, including physician recommendations,
14 guidelines and instructions as to standard protocols to be followed in the
15 general, day-to-day activities in which athletic trainers engage. These
16 rules shall require that postathletic injury treatment direction be provided
17 by the person's treating physician or, if applicable, by the team physician
18 for the institution or organization that employs the athletic trainer. If
19 appropriate, athletic trainers may also seek direction as to the treatment of
20 an athletic injury from any health care provider who is involved in that
21 person's treatment and who is not licensed pursuant to this chapter but who
22 is licensed pursuant to this title.

23 C. The board may:

24 1. Adopt rules to prescribe continuing education requirements for
25 licensure renewal, including a rule to allow the board to waive continuing
26 education requirements for reasons of extreme hardship.

27 2. APPOINT ADVISORY COMMITTEES TO ASSIST IT IN THE PERFORMANCE OF ITS
28 DUTIES. AN ADVISORY COMMITTEE MEMBER APPOINTED PURSUANT TO THIS PARAGRAPH IS
29 NOT ELIGIBLE TO RECEIVE COMPENSATION BUT IS ELIGIBLE FOR REIMBURSEMENT OF
30 EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

31 3. REPORT ANY VIOLATIONS OF THIS CHAPTER OR RULES ADOPTED PURSUANT TO
32 THIS CHAPTER TO A COUNTY ATTORNEY, THE ATTORNEY GENERAL, A FEDERAL AGENCY OR
33 A STATE OR NATIONAL ORGANIZATION, AS APPROPRIATE.

34 Sec. 3. Section 32-4104, Arizona Revised Statutes, is amended to read:

35 32-4104. Executive director; personnel

36 A. The executive director of the board of occupational therapy
37 examiners shall also serve as the executive director of the board of athletic
38 training. BOTH BOARDS SHALL JOINTLY SELECT THE EXECUTIVE DIRECTOR.

39 ~~B. The staff of the board of occupational therapy examiners shall~~
40 ~~carry out the administrative responsibilities of the board of athletic~~
41 ~~training.~~

42 B. THE BOARD OF ATHLETIC TRAINING SHALL SELECT STAFF TO SERVE ITS
43 BOARD OR SHALL DIRECT THE EXECUTIVE DIRECTOR TO SELECT THESE STAFF MEMBERS.

1 Sec. 4. Repeal

2 Section 32-4105, Arizona Revised Statutes, is repealed.

3 Sec. 5. Title 32, chapter 41, article 1, Arizona Revised Statutes, is
4 amended by adding a new section 32-4105, to read:

5 32-4105. Athletic training fund

6 A. THE ATHLETIC TRAINING FUND IS ESTABLISHED. THE BOARD SHALL
7 ADMINISTER THE FUND. PURSUANT TO SECTIONS 35-146 AND 35-147, THE BOARD SHALL
8 DEPOSIT TEN PER CENT OF ALL MONIES FROM WHATEVER SOURCE THAT COME INTO THE
9 POSSESSION OF THE BOARD IN THE STATE GENERAL FUND AND DEPOSIT THE REMAINING
10 NINETY PER CENT IN THE ATHLETIC TRAINING FUND.

11 B. MONIES DEPOSITED IN THE ATHLETIC TRAINING FUND ARE SUBJECT TO
12 SECTION 35-143.01.

13 Sec. 6. Section 32-4121, Arizona Revised Statutes, is amended to read:
14 32-4121. Persons and activities not required to be licensed

15 This chapter does not apply to:

16 1. A health care professional who is licensed pursuant to this title
17 and who practices within the scope of that person's license if that person
18 does not claim to be an athletic trainer or a provider of athletic training
19 services.

20 2. A person who is pursuing a course of study leading to a degree as
21 an athletic trainer in a professional education program approved by the board
22 if that person is satisfying supervised clinical education requirements
23 related to the person's athletic training education while under the direct
24 supervision of a licensed athletic trainer.

25 3. An athletic trainer who is practicing in the United States armed
26 services, United States public health service or United States veterans
27 administration pursuant to federal regulations for state licensure of health
28 care providers.

29 4. An athletic trainer who resides and is employed in another
30 jurisdiction and who possesses the required licensure, certification or
31 registration necessary to practice athletic training under the laws of the
32 jurisdiction in which the athletic trainer is employed if that person is
33 performing athletic training in this state in connection with teaching or
34 participating in an educational seminar or is providing athletic training
35 services in this state to athletes PERSONS of a bona fide professional,
36 intercollegiate, interscholastic or amateur sports organization by which the
37 athletic trainer is employed, for not more than one hundred twenty days in
38 any twelve month period.

39 Sec. 7. Section 32-4122, Arizona Revised Statutes, is amended to read:
40 32-4122. Qualifications for licensure

41 A. An applicant for a license as an athletic trainer shall:

42 1. Be of good moral character. TO DETERMINE IF A PERSON IS OF GOOD
43 MORAL CHARACTER, THE BOARD MAY CONSIDER IF THE PERSON HAS BEEN CONVICTED OF A
44 FELONY OR A MISDEMEANOR INVOLVING MORAL TURPITUDE.

- 1 2. Have SUCCESSFULLY completed the application process.
- 2 3. Possess a minimum of a baccalaureate degree from an accredited
- 3 institution with ~~course-work~~ COURSEWORK and supervised clinical experience as
- 4 required and approved by the board.
- 5 4. Have passed a national examination approved by the board within one
- 6 year before the date of application or currently possess certification as an
- 7 athletic trainer from a nationally recognized board of certification.
- 8 5. PAY THE APPLICATION FEE PRESCRIBED IN SECTION 32-4126.
- 9 ~~B. Notwithstanding the requirements of subsection A, if a person who~~
- 10 ~~applies for a license under this article is certified as an athletic trainer~~
- 11 ~~by a nationally recognized board of certification before January 1, 2004, and~~
- 12 ~~is otherwise qualified for licensure under this chapter, the board may exempt~~
- 13 ~~the person from any examination or supervised clinical experience~~
- 14 ~~requirements.~~
- 15 ~~C. The board may exempt a person from the degree and examination~~
- 16 ~~requirements of subsection A, paragraphs 3 and 4 if the person either:~~
- 17 ~~1. Was employed by a professional sports organization on or before~~
- 18 ~~July 18, 2000 to perform athletic training and has been continuously or~~
- 19 ~~repeatedly employed by that organization since that date to perform athletic~~
- 20 ~~training.~~
- 21 ~~2. Was certified on or before July 18, 2000 by a foreign certification~~
- 22 ~~organization that has a mutual recognition agreement with a nationally~~
- 23 ~~recognized board of certification and has been continuously certified by that~~
- 24 ~~organization since that date.~~
- 25 Sec. 8. Section 32-4127, Arizona Revised Statutes, is amended to read:
- 26 32-4127. Temporary licenses
- 27 A. The executive director may issue a temporary license to a person
- 28 who meets all of the following requirements:
- 29 1. Submits a completed application.
- 30 2. Submits the application fee for licensure pursuant to this chapter.
- 31 3. Submits proof satisfactory to the board of current certification by
- 32 a nationally recognized board of certification.
- 33 4. SUBMITS A READABLE FINGERPRINT CARD PURSUANT TO SECTION 32-4128.
- 34 B. A temporary license:
- 35 1. Is valid for not more than ninety days.
- 36 2. Shall not be renewed.
- 37 3. Is void on the issuance or denial of an original license.
- 38 C. The board may revoke a temporary license for a violation of this
- 39 chapter. The board shall hold a hearing at the request of a person whose
- 40 temporary license is revoked by the board.
- 41 D. The board may adopt rules to carry out this section.

1 Sec. 9. Title 32, chapter 41, article 2, Arizona Revised Statutes, is
2 amended by adding section 32-4128, to read:

3 32-4128. Fingerprinting

4 A. AN APPLICANT FOR ORIGINAL LICENSURE, LICENSE RENEWAL, LICENSE
5 REINSTATEMENT OR TEMPORARY LICENSURE PURSUANT TO THIS CHAPTER WHO HAS NOT
6 PREVIOUSLY DONE SO MUST SUBMIT A FULL SET OF FINGERPRINTS TO THE BOARD AT THE
7 APPLICANT'S OR LICENSEE'S EXPENSE FOR THE PURPOSE OF OBTAINING A STATE AND
8 FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW
9 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA
10 WITH THE FEDERAL BUREAU OF INVESTIGATION.

11 B. IF THE APPLICANT OR LICENSEE HAS AN UNEXPIRED CLEARANCE CARD ISSUED
12 BY THE DEPARTMENT OF PUBLIC SAFETY, THE APPLICANT OR LICENSEE MAY SUBMIT A
13 COPY OF THAT DOCUMENT INSTEAD OF SUBMITTING FINGERPRINTS.

14 C. EACH APPLICANT FOR LICENSE RENEWAL OR REINSTATEMENT SHALL SUBMIT A
15 NEW SET OF FINGERPRINTS EVERY FIVE YEARS AFTER THE INITIAL FINGERPRINT
16 SUBMISSION REQUIRED IN SUBSECTION A OF THIS SECTION.

17 D. ON EXPIRATION OF THE CLEARANCE CARD ISSUED BY THE DEPARTMENT OF
18 PUBLIC SAFETY, AN APPLICANT MUST SUBMIT EITHER A COPY OF THE APPLICANT'S NEW
19 CLEARANCE CARD OR A SET OF FINGERPRINTS.

20 E. IF THE BOARD DOES NOT HAVE ANY EVIDENCE OR REASONABLE SUSPICION
21 THAT THE APPLICANT HAS A CRIMINAL HISTORY AND THE APPLICANT OTHERWISE
22 SATISFIES THE REQUIREMENTS OF SECTION 32-4122, THE BOARD MAY ISSUE A LICENSE
23 OR A TEMPORARY LICENSE BEFORE IT RECEIVES THE RESULTS OF A CRIMINAL RECORDS
24 CHECK.

25 F. THE BOARD SHALL SUSPEND THE LICENSE OR TEMPORARY LICENSE OF A
26 PERSON WHO SUBMITS AN UNREADABLE SET OF FINGERPRINTS AND WHO DOES NOT SUBMIT
27 A NEW READABLE SET OF FINGERPRINTS WITHIN TWENTY DAYS AFTER THE BOARD
28 NOTIFIES THE PERSON OF THAT FACT.

29 G. THIS SECTION DOES NOT AFFECT THE BOARD'S AUTHORITY TO OTHERWISE
30 ISSUE, DENY, CANCEL, TERMINATE, SUSPEND OR REVOKE A LICENSE OR A TEMPORARY
31 LICENSE.

32 Sec. 10. Section 32-4152, Arizona Revised Statutes, is amended to
33 read:

34 32-4152. Use of titles; restrictions; violation; classification

35 A. An athletic trainer shall use the letters "~~AT/L~~" or "~~L/AT~~" "AT" OR
36 THE TITLE "ATHLETIC TRAINER", OR BOTH, in connection with the athletic
37 trainer's name or place of business to denote licensure under this chapter.

38 B. A person or business entity or its employees, agents or
39 representatives shall not use in connection with that person's name or the
40 name or activity of the business the words "athletic training" or "athletic
41 trainer", the letters "AT/L", "L/AT", "ATC/L", "L/ATC", "A.T.", "AT",
42 "L.A.T." or "A.T.L." or any other words, abbreviations or insignia indicating
43 or implying directly or indirectly that athletic training is provided or
44 supplied unless the services are provided by an athletic trainer licensed

1 pursuant to this chapter. A person or entity that violates this subsection
2 is guilty of a class 1 misdemeanor.

3 Sec. 11. Section 32-4160, Arizona Revised Statutes, is amended to
4 read:

5 32-4160. Public, confidential and privileged information;
6 exception; display of license

7 A. The public has the right of access to the following information:

8 1. A list of ~~licensees~~ that includes the EACH licensee's place of
9 practice, license number, date of license expiration, and status of license
10 AND WHETHER THE LICENSEE HAS BEEN SUBJECT TO A COMPLAINT OR DISCIPLINARY
11 ACTION BY THE BOARD.

12 2. A list of official actions taken by the board.

13 B. The home addresses and home telephone numbers of ~~athletic trainers~~
14 LICENSEES are not public records and shall be kept confidential by the board.

15 C. Information pertaining to the relationship between the ~~athletic~~
16 ~~trainer~~ LICENSEE and a person treated by the ~~athletic-trainer~~ LICENSEE is
17 confidential and shall not be communicated to a third party who is not
18 involved in that person's care without that person's prior written consent.
19 If the person is a minor, the person's parent or guardian must also give
20 written consent to these communications.

21 D. The ~~athletic-trainer~~ LICENSEE shall divulge to the board
22 information it requires in connection with any investigation, public hearing
23 or proceeding.

24 E. ~~This~~ THE privilege DESCRIBED IN SUBSECTION C does not extend to
25 cases in which the ~~athletic-trainer~~ LICENSEE has a duty to report information
26 as required by law.

27 F. Each licensee shall display a copy of the licensee's license or
28 current renewal verification in a location accessible to public view at the
29 licensee's place of practice.

APPROVED BY THE GOVERNOR APRIL 9, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2010.